

Message Text

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ACTION AF-06

INFO OCT-01 ISO-00 EB-07 PA-01 /015 W

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R 160735Z OCT 75

FM AMEMBASSY LAGOS

TO USDOC WASHDC

INFO SECSTATE WASHDC 1612

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E.O. 11652: N/A

TAGS: BDI, NI

SUBJECT: TRADE COMPLAINT: MITCHELL HOUSING VS. ARK URBAN

REF: A. USDOC 14667 B. LAGOS 9938

1. RECENT BACKGROUND: FOLLOWING LAGOS 9938, EMBASSY RECEIVED
TELEX OCT. 10 FROM MITCHELL ASKING ABOUT PROGRESS. EMBASSY
REPLIED DIRECTLY TO MITCHELL, SUMMARIZING MONTGOMERY'S DENIAL OF
FRAUDULENT INTENT AND MENTIONING THAT WHILE MONTGOMERY HAS
COMPLAINTS OF HIS OWN HE HAS MADE NEW PROPOSAL. EMBASSY URGED
MITCHELL ESTABLISH DIRECT CONTACT WITH MONTGOMERY IN EFFORT
COMPLETE PROJECT. WE ALSO REQUESTED SPECIFIC SUGGESTIONS AS TO
FURTHER ACTIONS EMBASSY MIGHT TAKE. MITCHELL RESPONSE WAS LENGTHY
TELEX RECEIVED OCT 12 REITERATING EARLIER ALLEGATIONS AND
SUGGESTING THAT MONTGOMERY MIGHT ABSCOND. ONLY SPECIFIC GUIDANCE
WAS QUESTION ASKING WHETHER WE HAVE CONTACTED FHA TO DETERMINE
PROJECT PROGRESS. EMBASSY ATTEMPTING CONTACT FHA.

2. INTERPRETING TELEX MAINLY AS DEMAND FOR PROMPT PAYMENT,
EMBOFF CONTACTED MONTGOMERY OCT. 14. ASKED IF HE PLANNED TO
MAKE ANY PAYMENT TO MITCHELL SOON, MONTGOMERY SAID HE HAS
NIGERIAN GOVERNMENT APPROVAL COMMENCE NEW STATE IN PROJECT,
EXPECTED SUBSTANTIAL PROGRESS PAYMENT SOON AND NOW PLANS VISIT
BOSTON PERSONALLY WITHIN NEXT SEVERAL WEEKS TO DEAL WITH
MITCHELL PER PARA 5, LAGOS 9938. HIS POSITION ON PAYMENTS TO
MITCHELL APPEARS TO BE THAT IF MITCHELL ACCEPTS PROPOSAL
"HE WILL BE APID, IF HE DOESN'T WE HAVE PROBLEMS." HE ALSO
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CLAIMED THAT ARK URBAN HAS JUST RECEIVED \$350,000 SHPMENT OF

MITCHELL BUILDING MATERIALS WITHOUT DRAWINGS NECESSARY TO USE THEM. HE SAID SHIPMENT ALREADY PAID FOR. THIS PRESENTED AS EXAMPLE HIS PROBLEMS WITH MITCHELL. MONTGOMERY ALSO EXPRESSED DESIRE THAT MITCHELL CONTACT HIM DIRECTLY.

3. USDOC SHOULD INFORM MITCHELL: 1) THAT EMBASSY CONTACTED MONTGOMERY ABOUT PAYMENT AND WAS TOLD MONTGOMERY PLANNING VISIT BOSTON NEXT FEW WEEKS TO DISCUSS PROJECT WITH MITCHELL;
2) EMBASSY BELIEVES CASE WOULD MOVE FASTER IF MITCHELL WOULD ESTABLISH DIRECT CONTACT WITH MONTGOMERY IN BOSTON OR LAGOS, IN PERSON OR THROUGH MITCHELL'S NIGERIAN PARTNER, A MR. GODFREY UDOJI; 3) EMBASSY ATTEMPTING CONTACT FHA BUT AGAIN REQUESTS SPECIFIC SUGGESTIONS AS TO FURTHER EMBASSY ACTION.

4. COMMENT: EMBASSY EFFORTS HAMPERED BY LACK OF BACKGROUND OR INCO-HOUSING FILE HERE. EMBASSY WOULD APPRECIATE SPECIFIC USDOC SUGGESTIONS AS TO USEFUL STEPS EMBASSY MIGHT TAKE.
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